

Jeff P. Prostok  
Suzanne K. Rosen  
**FORSHEY PROSTOK LLP**  
777 Main St., Ste. 1550  
Fort Worth, TX 76102  
Telephone: (817) 877-8855  
Facsimile: (817) 877-4151  
Email: [jprostok@forsheyprostok.com](mailto:jprostok@forsheyprostok.com)  
[srosen@forsheyprostok.com](mailto:srosen@forsheyprostok.com)

*Counsel for Debtor Eventide Credit  
Acquisitions, LLC*

Robin Phelan  
**PHELAN LAW**  
4214 Woodfin Drive  
Dallas, TX 75220  
Telephone: (214) 704-0222  
Email: [robin@phelanlaw.com](mailto:robin@phelanlaw.com)

*Counsel for Debtor Eventide Credit  
Acquisitions, LLC*

Gregory W. Mitchell  
State Bar No. 00791285  
**FREEMAN LAW, PLLC**  
1412 Main Street, Suite 500  
Dallas, Texas 75202  
Telephone: (972) 463-8417  
Facsimile: (972) 432-7540  
Email: [gmitchell@freemanlaw.com](mailto:gmitchell@freemanlaw.com)

*Counsel for Debtor BWH Texas, LLC*

Michael A. Caddell  
John B. Scofield, Jr., *pro hac vice*  
**CADDELL & CHAPMAN**  
628 East 9th Street  
Houston TX 77007-1722  
Telephone: (713) 751-0400  
Facsimile: (713) 751-0906  
Email: [mac@caddellchapman.com](mailto:mac@caddellchapman.com)  
[jbs@caddellchapman.com](mailto:jbs@caddellchapman.com)

*Counsel for Consumer Borrowers*

Kristi C. Kelly, *pro hac vice*  
Andrew J. Guzzo, *pro hac vice*  
**KELLY GUZZO, PLC**  
3925 Chain Bridge Road, Suite 202  
Fairfax, VA 22030  
Telephone: (703) 424-7572  
Facsimile: (703) 591-0167  
Email: [kkelly@kellyguzzo.com](mailto:kkelly@kellyguzzo.com)  
[aguzzo@kellyguzzo.com](mailto:aguzzo@kellyguzzo.com)

*Counsel for Virginia Class Action Plaintiffs*

Ian R. Phillips  
Texas State Bar No. 24091239  
**COLE SCHOTZ, P.C.**  
901 Main St., Ste. 4120  
Dallas, Texas 75244  
Telephone: (469) 557-9390  
Facsimile: (469) 533-1587  
Email: [iphillips@coleschotz.com](mailto:iphillips@coleschotz.com)

*Counsel for the Official Committee of  
Unsecured Creditors*

Gary H. Leibowitz, *pro hac vice*  
H.C. Jones, III, *pro hac vice*  
**COLE SCHOTZ, P.C.**  
1201 Wills Street, Suite 320  
Baltimore, MD 21231  
Telephone: 410-230-0660  
Facsimile: 410-230-0667  
Email: [gleibowitz@coleschotz.com](mailto:gleibowitz@coleschotz.com)  
[hjones@coleschotz.com](mailto:hjones@coleschotz.com)  
[mpardoe@coleschotz.com](mailto:mpardoe@coleschotz.com)

*Counsel for the Official Committee of  
Unsecured Creditors*

Patrick J. Neligan, Jr.  
Texas State Bar No. 14866000  
**NELIGAN LLP**  
4851 LBJ Freeway, Suite 700  
Dallas, Texas 75244  
Telephone: (214) 840-5300  
Facsimile: (214) 840-5301  
Email: [pneligan@neliganlaw.com](mailto:pneligan@neliganlaw.com)

*Counsel for Dana Duggan and Richard Smith*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

---

In re:	§	Chapter 11
EVENTIDE CREDIT ACQUISITIONS, LLC, <i>et al.</i> , <sup>1</sup>	§	Case No. 23-90007-11-mxm
Debtors.	§	(Jointly Administered)

---

**JOINT STIPULATION AND AGREEMENT REGARDING  
PENDING MOTIONS AND RELATED DEADLINES**

TO THE HONORABLE MARK X. MULLIN, UNITED STATES BANKRUPTCY JUDGE:

COME NOW Eventide Credit Acquisitions, LLC (“Eventide”), BWH Texas, LLC (“BWH,” and together with Eventide, “Debtors”), as debtors and debtors-in-possession in this jointly administered chapter 11 case, Virginia Class Action Plaintiffs,<sup>2</sup> Dana Duggan (“Duggan”), and Richard Smith (“Smith,” together with Virginia Class Action Plaintiffs and Duggan, “Consumer Borrowers”), and the Official Committee of Unsecured Creditors (“OCUC”) (collectively the “Parties”) and file this *Joint Stipulation and Agreement Regarding Pending Motions and Related Deadlines*.

---

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, as applicable, are: Eventide Credit Acquisitions, LLC (1353) and BWH Texas LLC (9205).

<sup>2</sup> “Virginia Class Action Plaintiffs” includes John Actis, II, Jerry Avent, Earl Browne, Rose Marie Buchert, Dowin Coffy, Dominique de la Bay, Lori Fitzgerald, Keisha Hamm, George Hengle, Renee Galloway, Derek Geter, Estate of Felix Gilleson, Sonji Grandy, Lucinda Gray, Anthony Green, Linda Madison, Lisa Martinez, Kevin Minor, Regina Nolte, Sharon Paavo, Burry Pough, Andrea Scarborough, Anastasia Sherman, Latanya Tarleton, Faith Thomas, Teresa Titus, Dianne Turner, and Lula Williams.

WHEREAS, the Consumer Borrowers, Debtors, and other parties (collectively, the “Settlement Parties”) previously executed a stipulation and settlement agreement (the “Proposed Settlement”) that could resolve the underlying litigation;

WHEREAS the Settlement Parties previously agreed, as a term of the Proposed Settlement, to stay the determination of certain issues in this jointly administered bankruptcy action pertaining to the Consumer Borrowers;

WHEREAS the Proposed Settlement cannot be consummated pursuant to its terms, but the Settlement Parties nonetheless desire to extend certain deadlines for a short time relating issues in this jointly administered bankruptcy action pertaining to the Consumer Borrowers and the OCUC;

WHEREAS Debtors previously filed their Application for Order Appointing Donlin Recano & Company as Claims, Noticing, and Balloting Agent [Docket No. 103] (“Application”), which is not set for hearing;

WHEREAS the current deadline for Consumer Borrowers’ and/or the OCUC’s response and opposition to Debtors’ Application is November 20, 2024 [Docket No. 383], and the Parties have agreed that the deadline for response, joinder, and/or opposition to the Application or any amendment thereto should be extended to December 16, 2024 as set forth herein;

WHEREAS Debtors previously filed their Motion for Order (I) Extending the Bar Date for Unknown Consumer Borrower Creditors, (II) Approving Procedures to Protect the Identity of the Unknown Borrowers, (III) Approving Proof of Claim Form for the Unknown Borrowers, (IV) Approving the Form and Manner of Notice Thereof, and (V) Providing Supplemental Relief [Docket No. 104] (“Motion to Extend”), which is not set for hearing;

WHEREAS the current deadline for Consumer Borrowers’ and/or the OCUC’s response and opposition to Eventide’s Motion to Extend is November 20, 2024 [Docket No. 383], and the

Parties have agreed that the deadline for response, joinder, and/or opposition to the Motion to Extend or any amendment thereto should be extended to December 16, 2024 as set forth herein;

WHEREAS Duggan and Smith previously filed their Motion to Lift Stay for Rulings on Class Certification in Massachusetts and Oregon [Docket No. 118] (“Motion to Lift Stay”), which is not set for hearing;

WHEREAS the current deadline for Debtors’ response to, and the OCUC’s joinder in, Duggan and Smith’s Motion to Lift Stay is November 20, 2024 [Docket No. 383], and the Parties have agreed that the deadline for response, joinder, and/or opposition should be extended to December 16, 2024, as set forth herein;

WHEREAS Eventide previously filed its Application Pursuant to 11 U.S.C. §§ 327(e) and 328 for Entry of an Order Authorizing the Employment and Retention of Holland & Knight LLP as Special Counsel to the Debtor as of January 15, 2024 [Docket No. 143] (“Motion to Employ”), which is not set for hearing;

WHEREAS the current deadline for Consumer Borrowers’ and/or the OCUC’s response and opposition to Eventide’s Motion to Employ is November 26, 2024 [Docket No. 383], and the Parties have agreed that the deadline for response, joinder, and/or opposition should be extended to December 20, 2024, as set forth herein;

WHEREAS Eventide previously filed its Objections to Consumer Borrowers’ Proof of Claims [Docket Nos. 152 -174 and 176 -183];

WHEREAS the current deadline for Consumer Borrowers’ (and/or the OCUC’s) response to Eventide’s Objections to the Proof of Claims is currently December 9, 2024 [Docket No. 383], and the Parties have agreed that the deadline for response should be extended to January 7, 2025, as set forth herein; and

WHEREAS the current deadline for nongovernmental entities to file a proof of claim in the BWH bankruptcy is December 19, 2024 [Docket No. 383], and the Parties have agreed that the deadline for the filing of proof of claims as to BWH should be extended to January 17, 2025.

**NOW, THEREFORE, IT IS STIPULATED AND AGREED, BY AND BETWEEN THE PARTIES, THROUGH THE UNDERSIGNED COUNSEL, THAT:**

1. The deadline for the Consumer Borrowers and/or OCUC to respond to Debtors' Application [Docket No. 103] or any amendment thereto is hereby extended to December 16, 2024.
2. The deadline for the Consumer Borrowers and/or OCUC to respond to Debtors' Motion to Extend [Docket No. 104] or any amendment thereto is hereby extended to December 16, 2024.
3. The deadline for the Debtors and/or OCUC to respond to Duggan and Smith's Motion to Lift Stay [Docket No. 118] is hereby extended to December 16, 2024.
4. The deadline for Consumer Borrowers and/or OCUC to respond to Debtors' Motion to Employ [Docket No. 143] is hereby extended to December 20, 2024.
5. The deadline for the Consumer Borrowers and/or OCUC to respond to Eventide's Objections to Proof of Claims [Docket Nos. 152-174 and 176-183] is hereby extended to January 7, 2025.
6. The deadline for the filing of a proof of claim by a nongovernmental entity in the BWH bankruptcy is extended to January 17, 2025.
7. This stipulation solely extends the deadlines and is without prejudice to the rights and claims of the Debtors, the Consumer Borrowers, and the OCUC, in this case.

**STIPULATED AND AGREED TO THIS 8TH DAY OF NOVEMBER, 2024:**

/s/ Andrew J. Guzzo

Kristi C. Kelly, *pro hac vice*  
Andrew J. Guzzo, *pro hac vice*  
**KELLY GUZZO, PLC**  
3925 Chain Bridge Road, Suite 202  
Fairfax, VA 22030  
Telephone: (703) 424-7572  
Facsimile: (703) 591-0167  
Email: kkelly@kellyguzzo.com  
Email: aguzzo@kellyguzzo.com

*Attorneys for Virginia Class Action Plaintiffs*

/s/ Michael A. Caddell

Michael A. Caddell  
John B. Scofield, Jr., *pro hac vice*  
**CADDELL & CHAPMAN**  
628 East 9th Street  
Houston TX 77007-1722  
Telephone: (713) 751-0400 (office)  
                 (713) 898-3800 (mobile)  
Facsimile: (713)751-0906 (fax)  
Email: [mac@caddellchapman.com](mailto:mac@caddellchapman.com)  
[jbs@caddellchapman.com](mailto:jbs@caddellchapman.com)

## *Attorneys for Consumer Borrowers*

/s/ *Jeff P. Prostok*

---

Jeff P. Prostok  
Suzanne K. Rosen  
**FORSHEY PROSTOK LLP**  
777 Main St., Ste. 1550  
Fort Worth, TX 76102  
Telephone: (817) 877-8855  
Facsimile: (817) 877-4151  
Email: [jprostok@forsheyprostok.com](mailto:jprostok@forsheyprostok.com)  
[srosen@forsheyprostok.com](mailto:srosen@forsheyprostok.com)

*Co-counsel for Debtor Eventide Credit Acquisitions, LLC*

/s/ Patrick J. Neligan, Jr.

Patrick J. Neligan, Jr.  
Texas State Bar No. 14866000  
**NELIGAN LLP**  
4851 LBJ Freeway, Suite 700  
Dallas, Texas 75244  
Telephone: (214) 840-5300  
Facsimile: (214) 840-5301  
Email: [pneligan@neliganlaw.com](mailto:pneligan@neliganlaw.com)

*Attorneys for Dana Duggan and Richard Smith*

*/s/ Robin Phelan*

Robin Phelan  
**PHELAN LAW**  
4214 Woodfin Drive  
Dallas, TX 75220  
Telephone: (214) 704-0222  
Email: [robin@phelanlaw.com](mailto:robin@phelanlaw.com)

*Co-counsel for Debtor Eventide Credit Acquisitions LLC*

/s/ Ian R. Phillips

Ian R. Phillips  
Texas State Bar No. 24091239  
**COLE SCHOTZ, P.C.**  
901 Main St., Ste. 4120  
Dallas, Texas 75244  
Telephone: (469) 557-9390  
Facsimile: (469) 533-1587  
Email: [iphillips@coleschotz.com](mailto:iphillips@coleschotz.com)

*Attorneys for the Official Committee of  
Unsecured Creditors*

/s/ Gregory W. Mitchell

Gregory W. Mitchell  
State Bar No. 00791285  
**FREEMAN LAW, PLLC**  
1412 Main Street, Suite 500  
Dallas, Texas 75202  
(972) 463-8417 – Phone  
(972) 432-7540 – Facsimile  
Email: gmitchell@freemanlaw.com

*Counsel for the Debtor,  
BWH Texas, LLC*

/s/ Gary H. Leibowitz

Gary H. Leibowitz, *pro hac vice*  
H.C. Jones, *pro hac vice*  
J. Michael Pardoe, *pro hac vice*  
**COLE SCHOTZ, P.C.**  
1201 Wills Street, Suite 320  
Baltimore, MD 21231  
Telephone: 410-230-0660  
Facsimile: 410-230-0667  
Email: gleibowitz@coleschotz.com  
hjones@coleschotz.com  
mpardoe@coleschotz.com

*Attorneys for the Official Committee of  
Unsecured Creditors*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via the Court's electronic court notification (ECF) system on November 8, 2024.

/s/ John B. Scofield, Jr.  
John B. Scofield, Jr.